<center>**Remark**</center>

Claims 1, 10 and 16 have been amended. Claims 6 and 20 have been canceled.

Therefore, claims 1- 5, 7-19 and 21 -26 are now present for examination.

<center>**35 U.S.C. §102 Rejection**</center>

<center>*Schein*</center>

The Examiner has rejected claims 1-5, 9-19, 21-22 and 25 under 35 U.S.C. §102(e) as being anticipated by Schein et al., U.S. Patent Application No. 2006/0168620 ("Schein").

First, the independent claims have been further narrowed to include additional features that are not described in the reference. The additional features are taken from the description of Figure 3. These features include:

determining whether multiple versions are available,

identifying a plurality of characteristics,

determining whether automatic program selection has been configured,

displaying the identified versions if automatic selection is not configured,

selecting a program if automatic selection is configured,

selecting the program with the most conforming characteristics.

All of these features distinguish the present invention as claimed from Schein.

In addition, Applicants respectfully submit that the Examine has extended Schein beyond its teachings and that the anticipation rejection is traversed therefore.

First, the Examiner suggests that Schein shows selecting a version of a program by applying user characteristics (a preferred source for a particular network) to the shows identified by the When Else button. In fact, Schein makes no connection between these

operations. The Examiner has assumed that the When Else display will exclude the unwanted channels. This is not in the reference. The Examiner has also assumed that the system will find all the shows first and then exclude some of them based on the stored source preferences. This is not in the reference either. It is as likely that Schein will only search the sources that are preferred.

To put this more concretely, Figure 3 shows that NBC is showing Gone with the Wind. If the user has NBC from cable and NBC from an antenna, the user can select to watch and display only NBC from the cable provider. The Examiner suggests that the system finds all the episodes of Gone with the Wind and does not display NBC from the antenna, since cable is preferred. It is as likely or more likely that the system ignores NBC from the antenna entirely in the search. Since the programming data is identical, there is probably only one source of data to search. As a result, there would be no identification of multiple versions, comparison of characteristics and selection. Instead, after the show is found from the one data source, the broadcast source is then identified for the display.

Second, the Examiner has stretched the terminology of the claims. Claim 1 refers to identifying programs and identifying characteristics of the programs. Schein identifies channels and in an unrelated process identifies programs. Schein makes no connection between these two operations.

For all of these reasons, the independent claims as amended are believed to be allowable over the references. The remaining claims depend from these claims.

35 U.S.C. §103 Rejection

Schein and Rosser

The Examiner has rejected claims 6, 8, 20, 23-24 and 26 under 35 U.S.C. §103 (a) as being anticipated by Schein et al., U.S. Patent Application No. 2006/0168620 ("Schein") in view of Rosser, U.S. Patent No. 6,446,261 ("Rosser"). Rosser is relied upon to show program selection methodologies and multiple user preferences. Rosser, however, as explained in its abstract, is directed to a system for selecting commercials at the head end. A closer review of Rosser also reveals that Rosser does not suggest multiple versions of a commercial but rather different commercials for different products.

The claims of the present application are directed to operations at the receiver for selecting programs. Applicants respectfully submit that even if Applicants had taken Rosser and moved it into a home receiver and then adapted it for user configurable program selection, then this, in and of itself, would be inventive. Rosser relies on user selections of programs to determine which products to advertise. Automating program selection vitiates the foundation of Rosser. It would not be obvious to adapt Rosser to a purpose so remote from its original intention.

However, the present invention goes beyond that. Instead, the present invention selects versions of the same program. The types of user preferences used to select a product to advertise probably have nothing to do with the kinds of user preferences used to select which version of a program to show. In addition, Rosser has no way to select from different versions of the same commercial. Rosser is about selecting a product. The commercial then follows directly from that.

Finally, Rosser does not speak to the additional limitations added by this amendment. Accordingly, this rejection is also, respectfully, traversed.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.
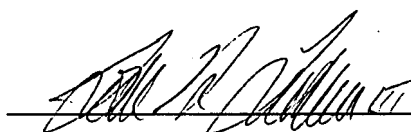
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: <u>August 3, 2007</u>

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